

REMARKS

Upon entry of the amendment, claims 2-8, and 39-65 will be pending in the application. Claims 1 and 9-38 are cancelled, and new claims 39-65 added. Support for the amendments appears at, e.g., page 5, lines 3-6 (disclosing residues 1-168 of SEQ ID NO:2); page 44, lines 27-30 (disclosing polypeptides with at least 80%, 90%, and 95% identity to a disclosed TRADE family polypeptide); page 116, lines 18-22 (disclosing a mature extracellular region of TRADE α and TRADE β polypeptides); page 44, lines 4-7 (disclosing domains corresponding to amino acids 29-63 of SEQ ID NO:2, amino acids 72-114 of SEQ ID NO:2, amino acids 114-139 of SEQ ID NO:2, or amino acids 137-168 of SEQ ID NO:2); page 36, lines 2-15 (disclosing nucleic acid molecules that hybridize at high stringency to nucleic acid molecules encoding TRADE polypeptides); page 50, lines 6-9 (disclosing Ig fusion polypeptides including the hinge $-C_{H2}-C_{H3}$ regions of a human immunoglobulin and $\gamma 1$, $\gamma 2$, $\gamma 3$, ϵ and α isotypes); page 50, lines 13-14 (disclosing fusion protein with spacer regions of glycine and serine residues), and original claims 3-5 (disclosing various cell types). No new matter has been added. Applicants' cancellation of subject matter is not an admission that the subject matter is not patentable. Applicants reserve the right to pursue all cancelled subject matter in a continuing application or applications.

An information disclosure statement and a sequence listing are enclosed with this amendment. The reference EP0990703 A1 included in the present information disclosure statement is an English language counterpart to WO98/38304, which was submitted by Applicants in a previous information disclosure statement.

Substitute drawings for FIGS. 1C, FIG. 2, and FIG. 3 are also submitted with references to sequence identifier numbers. The specification has been amended as requested by the Examiner to omit reference to embedded hyperlinks.

The claims are free of the art but are rejected under 35 USC 112, first paragraph, for lack of written description and under 35 USC 112, second paragraph.

Rejections under 35 USC 112, first paragraph

Claims 2-8, 13, 14, 16-20, 25, 27 and 28 are rejected for lack of written description.

Claims 3, 13, 16-20, 25, 27 and 28 have been cancelled. The rejection is traversed to the extent it is applied to the remaining claims as amended.

The Examiner states that the terms “TRADE α or a TRADE β polypeptide,” “a TRAIN polypeptide”, a “ α OAF065 polypeptide” and “a TRADE family member” as recited in the claims are not clearly described in the specification

Claim 2, from which depends claims 4-8, and 13, has been amended to specify that the recited polypeptide is defined by specific structural and functional features. The polypeptide used to modulate cell proliferation must be at least 80% identical to amino acids 1-168 of SEQ ID NO:2 and must additionally inhibit the activity of a TRADE α polypeptide. With this reference to a specified sequence, Applicants submit that the polypeptide recited in the claims to modulate cell proliferation is clearly described.

Reconsideration and withdrawal of the rejection for lack of written description is requested.

Rejections under 35 USC 112, second paragraph

Claims 2-8, 13, 14, 16-20, 25, 27 and 28 are rejected as indefinite. Claims 3, 14, 16-20, 25, 27 and 28 have been cancelled. The rejection is traversed to the extent it is applied to the remaining claims as amended.

The Examiner states that it is unclear what polypeptide is being referred to because the claim refers to the polypeptide as “a TRADE α polypeptide,” “a TRADE β polypeptide,” “a TRAIN polypeptide”, a α OAF065 polypeptide” and “a TRADE family member” .

Claim 2, from which the remaining claims subject to the rejection depend, has been amended so that the recited polypeptide comprises a sequence at least 80% identical to amino acids 1-168 of SEQ ID NO:2, and which inhibits the activity of a TRADE α polypeptide. Thus, the claims have been amended so that the polypeptide recited in the claims is in reference to a specific polypeptide sequence.

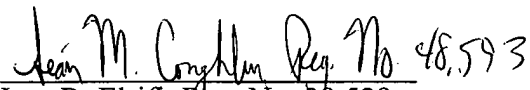
Claim 4 was separately rejected as indefinite for reciting “the cell is a carcinoma or an adenocarcinoma”. Applicants have cancelled the claim. Therefore, this rejection can be withdrawn..

In view of the foregoing amendments and comments, reconsideration and withdrawal of the rejection for indefiniteness is requested.

CONCLUSION

Applicants submit that the application is in condition for allowance, and such action is respectfully requested. A petition for an extension of time accompanies this response. The Commissioner is authorized to charge any additional fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311, Ref. No. 22058-569.

Respectfully submitted,


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